

APPENDIX C

Endangered and Threatened Species Consultation



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
ALASKA STATE OFFICE
222 W. 7th Avenue, #13
ANCHORAGE, ALASKA 99513-7599

6840 NPRA (931)

MAY 6 1997

Memorandum

To: Regional Director, U.S. Fish and Wildlife Service
From: State Director
Subject: Endangered Species - Proposed Oil and Gas Lease Sale in the National Petroleum Reserve-Alaska (NPRA)

The Bureau of Land Management (BLM) has initiated an Integrated Activity Plan/Environmental Impact Statement (IAP/EIS) to update its management strategy for the northeast portion of NPRA (see attached Notice of Intent, which includes a map of the area). The IAP/EIS will address the full range of BLM's management responsibilities in the planning area, including oil and gas leasing, wildlife protection, subsistence, and recreation. The plan will be finalized in the summer of 1998 and a Record of Decision is anticipated at the end of July, 1998. If oil and gas leasing results from the IAP/EIS, the lease sale will probably take place no sooner than September, 1998.

In accordance with the Endangered Species Act, Section 7, regulations governing interagency cooperation, we are providing a notification of the listed and proposed species and critical habitat that will be included in the biological evaluation.

It is our understanding that there are no designated or proposed critical habitats for any listed or proposed species potentially affected by oil and gas exploration activities in the proposed lease sale area. In our biological evaluation, we will review the following listed and proposed species that may be present in the proposed lease area.

Common Name	Scientific Name	Status
Spectacled eider	<i>Somateria fischeri</i>	threatened
Steller's eider	<i>Polysticta stelleri</i>	proposed threatened

We do not plan to include the Arctic peregrine falcon, *Falco peregrinus tundrius*, in the biological evaluation since it was delisted on October 5, 1994, unless we are otherwise advised by your agency.

In the event that the IAP/EIS results in an oil and gas lease sale, analysis of potential effects on species that occur along the expected oil transport corridor is required. Analysis of the potential effects of several species on the likely transportation

route to U.S. ports along the West Coast were included in biological evaluations prepared by the Minerals Management Service (MMS) for Cook Inlet Lease Sale 149 and Gulf of Alaska-Yakutat Lease Sale 158. Analysis of potential effects on several species that may occur along the expected oil transport corridor to ports in the Far East was included in MMS's Final Environmental Impact Statement (FEIS) for Oil and Gas Lease Sale 144. The oil transport scenario for any NPRA sale will likely remain the same, so evaluations of species along the transportation corridors are incorporated by reference from the biological evaluations for Sale 149 and Sale 158 and the FEIS for Sale 144.

Please review our list and notify us of your concurrence or revisions and of any new information concerning these species in relation to the planning area. To facilitate the review, we have provided a copy of this letter to your Anchorage Ecological Services Field Office. Upon receipt of your reply, preparation of the biological evaluation reviewing potential effects of the proposed action will begin. The MMS personnel, in cooperation with BLM's staff, will be preparing the biological evaluation for the Section 7 consultation. If you have any questions concerning this proposed action, please contact MMS biologists Joel Hubbard at (907) 271-6670 or Frank Wendling at (907) 271-6510.

We look forward to working with you and your staff in protecting and conserving endangered and threatened species.

/s/ Tom Allen

Attachment
Notice of Intent (3 pp)

AK931:JPayne:cla:x5477:5/2/97:t&efws2.wpd



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
ALASKA STATE OFFICE
222 W. 7th Avenue, #13
ANCHORAGE, ALASKA 99513-7599

6840 NPRA (931)

MAY 6 1997

Mr. Steven Pennoyer
Director, Alaska Region
National Marine Fisheries Service
P.O. Box 21668
Juneau, Alaska 99802-1668

Dear Mr. Pennoyer:

The Bureau of Land Management (BLM) has initiated an Integrated Activity Plan/Environmental Impact Statement (IAP/EIS) to update its management strategy for the northeast portion of NPR-A (see attached Notice of Intent, which includes a map of the area). The IAP/EIS will address the full range of BLM's management responsibilities in the planning area, including oil and gas leasing, wildlife protection, subsistence, and recreation. The plan will be finalized in the summer of 1998 and a Record of Decision is anticipated at the end of July, 1998. If oil and gas leasing results from the IAP/EIS, the lease sale will probably take place no sooner than September, 1998.

In accordance with the Endangered Species Act, Section 7, regulations governing interagency cooperation, we are contacting your agency requesting notification of any listed or proposed species or critical habitat that may be present in or affected by oil and gas exploration activities in the proposed lease sale area that should be included in the biological evaluation.

In the event that the IAP/EIS results in an oil and gas lease sale, analysis of potential effects on species that occur along the expected oil transport corridor is required. Analysis of the potential effects of several species on the likely transportation route to U.S. ports along the West Coast were included in biological evaluations prepared by the Minerals Management Service (MMS) for Cook Inlet Lease Sale 149 and Gulf of Alaska-Yakutat Lease Sale 158. Analysis of potential effects on several species that may occur along the expected oil transport corridor to ports in the Far East was included in MMS's Final Environmental Impact Statement (FEIS) for Oil and Gas Lease Sale 144. The oil transport scenario for any NPR-A sale will likely remain the same, so evaluations of species along the transportation corridors are incorporated by reference from the biological evaluations for Sale 149 and Sale 158 and the FEIS for Sale 144.

To facilitate the review, we have provided a copy of this letter to your Anchorage field office. Upon receipt of your reply, preparation of the biological evaluation reviewing potential effects of the proposed action will begin. The MMS personnel, in cooperation with BLM's staff, will be preparing the biological evaluation for the Section 7 consultation. If you have any questions concerning this proposed action, please contact MMS biologists Frank Wendling at (907) 271-6510 or Joel Hubbard at (907) 271-6670.

We look forward to working with you and your staff in protecting and conserving endangered and threatened species.

Sincerely,

/s/ Tom Allen

State Director

Enclosure
Notice of Intent (3 pp)

cc: Anchorage Ecological Field Office

AK931:JPayne:cla:X5477:5/2/97:t6ennfs2.wpd



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
National Marine Fisheries Service
P.O. Box 21668
Juneau, Alaska 99802-1668

May 23, 1997

197 MAY 30 AM 10:20
BLM AK 930550

Tom Allen
State Director
Bureau of Land Management
222 West 7th Avenue, #13
Anchorage, Alaska 99513-7599

Dear Mr. Allen:

Thank you for your letter requesting a list of Threatened or Endangered species occurring in the area associated with National Petroleum Reserve-Alaska. The National Marine Fisheries Service is responsible for certain marine species listed under the Endangered Species Act of 1972, as amended (ESA). Of these, the bowhead whale *Balaena mysticetus*, is found within the waters of the Beaufort Sea off the Alaska coast. Several additional listed species occur in the Gulf of Alaska and along the vessel transportation routes to U.S. ports along the West Coast. This letter provides a list of the ESA-listed species that occur in Alaska. We suggest that you contact the NMFS Northwest Regional Office and the NMFS Southwest Regional Office for additional species that occur in the waters of Washington, Oregon and California. The ESA-listed species that are present in Alaskan waters are as follows:

Common Name	Scientific Name	Status
Bowhead whale	<i>Balaena mysticetus</i>	Endangered
Northern right whale	<i>Eubalaena glacialis</i>	Endangered
Fin whale	<i>Balaenoptera physalus</i>	Endangered
Humpback whale	<i>Megaptera novaeangliae</i>	Endangered
Sperm whale	<i>Physeter macrocephalus</i>	Endangered
Sei whale	<i>Balaenoptera borealis</i>	Endangered
Blue whale	<i>Balaenoptera musculus</i>	Endangered
Steller sea lion	<i>Eumetopias jubatus</i>	Endangered*
Western stock		Threatened*
Eastern stock		Endangered
Snake River sockeye salmon	<i>Oncorhynchus nerka</i>	Endangered



Snake River Spring/Summer Chinook Salmon

Oncorhynchus tshawytscha Threatened

Snake River Fall Chinook Salmon

Oncorhynchus tshawytscha Threatened

Under Section 7 of the ESA, a federal agency is required to consult with the Secretary of Commerce regarding the presence of these species or their designated critical habitat. If this presence is identified, the agency must then determine if the activity may affect these animals or habitats. If it finds the action would not affect these concerns, no further consultation is required. Otherwise, the action agency should notify NMFS of its findings and request consultation under the Act.

We hope this information is useful in fulfilling the requirements of the ESA. Please direct any questions you may have to Brad Smith in our Anchorage office at (907) 271-5006.

Sincerely,

Steven T. Zimmerman Ph.D.
Chief, Protected Resources
Management Division

*The Steller sea lion is listed as an endangered species for stocks west of 144° W longitude and as a threatened species to the east. Rookeries, major haul outs, and special foraging areas have been designated as critical habitat for this species. These sites are identified in 50 CFR 226.12.



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
ENVIRONMENTAL & TECHNICAL SERVICES DIVISION
325 NE Oregon Street
PORTLAND, OREGON 97232-2737

June 10, 1997

F/NW03

Mr. Frank Wendling
Minerals Management Service
Alaska OCS Region, Leasing and Environment Office
949 E. 36th Avenue, Room 300
Anchorage, Alaska 99508-4363

Re: Species List Request for the National Petroleum Reserve-
Alaska

Dear Mr. Wendling:

The National Marine Fisheries Service (NMFS) has reviewed your June 9, 1997, facsimile to Ben Meyer requesting a list of threatened and endangered species for an Environmental Impact Statement for the national Petroleum Reserve - Alaska.

We have enclosed lists of those anadromous fish species that are listed as threatened or endangered under the Endangered Species Act (ESA), those that are proposed for listing, and those that are candidates for listing. This inventory includes only anadromous species under NMFS' jurisdiction that occur in the Pacific Northwest. The U.S. Fish and Wildlife Service should be contacted regarding the presence of species falling under its jurisdiction.


Available information indicates that the following listed salmon species may occur in the project area: Snake River Sockeye Salmon, (*Oncorhynchus nerka*); Snake River Fall Chinook Salmon, (*O. tshawytscha*); Snake River Spring/Summer Chinook Salmon (*O. tshawytscha*); S. Oregon/N. California Coast Coho Salmon (*O. kisutch*). The following proposed species may also occur in the project area: Klamath Mountains Province Steelhead (*O. mykiss*); Lower Columbia River Steelhead (*O. mykiss*); Upper Columbia River Steelhead (*O. mykiss*); Oregon Coast Steelhead (*O. mykiss*); and Snake River Basin Steelhead (*O. mykiss*).

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This letter constitutes the required notification of the presence of any Federally listed threatened or endangered species or critical habitat under NMFS' jurisdiction in the permit area that may be affected by the proposed project (Appendix A to Part 330, Section C.13(5)(i)).

If you have any further questions, please contact Ben Meyer of my staff at (503) 230-5425.

Sincerely,


Elizabeth Holmes Gaar, Chief
Habitat Conservation Division

Enclosure



**ENDANGERED, THREATENED, AND PROPOSED SPECIES
UNDER NATIONAL MARINE FISHERIES SERVICE JURISDICTION**

Listed Species

Snake River Sockeye Salmon	<i>Oncorhynchus nerka</i>
Snake River Fall Chinook Salmon	<i>O. tshawytscha</i>
Snake River Spring/Summer Chinook Salmon	<i>O. tshawytscha</i>
Umpqua River Cutthroat Trout	<i>O. clarki clarki</i>
S. Oregon/N. California Coast Coho Salmon	<i>O. kisutch</i>

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Proposed for Listing

(The following ESUs)

Steelhead	<i>O. mykiss</i>
Klamath Mountains Province	
Lower Columbia River	
Upper Columbia River	
Oregon Coast	
Snake River Basin	



United States Department of the Interior

MINERALS MANAGEMENT SERVICE
Alaska Outer Continental Shelf Region
949 E. 36th Avenue, Room 603
Anchorage, Alaska 99508-4302

JUN 12 1997

Dr. William T. Hogarth
Regional Administrator
National Marine Fisheries Service
Southwest Regional Center
501 West Ocean Boulevard, Suite 4200
Long Beach, California 90802-4213

Dear Dr. Hogarth:

The Minerals Management Service (MMS) is jointly preparing an Integrated Activity Plan/ Environmental Impact Statement (IAP/EIS) for the Bureau of Land Management for the northeast portion of the National Petroleum Reserve, Alaska, which is located on the North Slope of Alaska. One of the proposed activities could be an oil and gas lease sale. Any oil discovered as a result of a lease sale and subsequently produced will likely be transported by pipeline from the planning area to the Trans-Alaska Pipeline System and subsequently transported by tanker to ports in the lower 48 states.

In accordance with the Endangered Species Act Section 7 regulations governing interagency cooperation, and at the recommendation from the National Marine Fisheries Service (NMFS), Alaska Region, we are contacting your agency requesting notification of any listed or proposed species or critical habitat that may be affected as a result of tankering oil south to ports in Washington, Oregon, and California. MMS has previously addressed in earlier EIS's and Biological Evaluations various endangered and threatened species including fin, humpback, sei, blue, northern right, and sperm whales, Steller's sea lion, Guadalupe fur seal, and green, leatherback, loggerhead, and Pacific ridley sea turtles.

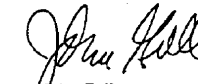
On June 9, 1997, Mr. Frank Wendling from this office contacted Mr. Craig Wingert in your office by telephone and faxed to him a copy of our original species list letter dated May 6, 1997, sent to the NMFS, Alaska Region, and a copy of their response dated May 23, 1997. This letter confirms the request for species information requested by the telephone call and the fax. If you have any questions concerning this proposed action, please contact Frank Wendling at (907) 271-6510.

Dr. William T. Hogarth

2

We look forward to working with you in our shared goal to protect threatened and endangered species.

Sincerely,



John Goll
Regional Director

cc: Mr. Craig Wingert
Mr. Ben Meyer, NMFS
Dr. Steve Zimmerman, NMFS
Mr. Tom Allen, BLM



IN REPLY REFER TO:

United States Department of the Interior

MINERALS MANAGEMENT SERVICE
Alaska Outer Continental Shelf Region
949 E. 36th Avenue, Room 603
Anchorage, Alaska 99508-4302

JUN 12 1997

Ms. Elizabeth Gaar
Chief, Habitat Conservation Division
National Marine Fisheries Service
525 Northeast Oregon Street, Suite 500
Portland, Oregon 97232-2737

Dear Ms. Gaar:

The Minerals Management Service (MMS) is jointly preparing an Integrated Activity Plan/ Environmental Impact Statement (IAP/EIS) for the Bureau of Land Management for the northeast portion of the National Petroleum Reserve, Alaska, which is located on the North Slope of Alaska. One of the proposed activities could be an oil and gas lease sale. Any oil discovered as a result of a lease sale and subsequently produced will likely be transported by pipeline from the planning area to the Trans-Alaska Pipeline System and subsequently transported by tanker to ports in the lower 48 states.

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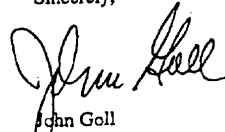
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Ms. Elizabeth Gaar

2

We look forward to working with you in our shared goal to protect threatened and endangered species.

Sincerely,



John Goll
Regional Director

cc: Mr. Ben Meyer
Mr. Craig Wingert, NMFS
Dr. Steve Zimmerman, NMFS
Mr. Tom Allen, BLM



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE

Southwest Region
501 West Ocean Boulevard, Suite 4200
Long Beach, California 90802-4213
TEL (310) 980-4000; FAX (310) 980-4018

JUN 28 1997

F/SW031:RCW

RECEIVED

JUN 30 1997

REGIONAL DIRECTOR, ALASKA OCS
Minerals Management Service
ANCHORAGE, ALASKA

John Goll
Regional Director
Minerals Management Service
Alaska Outer Continental Shelf Region
949 E. 36th Avenue, Room 603
Anchorage, Alaska 99508-4302

Dear Mr. Goll:

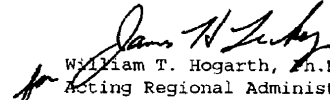
Thank you for requesting information regarding the presence of Federally listed threatened or endangered species or critical habitat that are managed by the National Marine Fisheries Service (NMFS) and may be affected by the proposed oil and gas activities that are being analyzed in the Integrated Activity Plan and Environmental Impact Statement for the National Petroleum Reserve on the North Slope of Alaska. This letter identifies those species which occur in California and are managed by the Southwest Region of NMFS. You should contact the Portland, Oregon office of our Northwest Regional office (503-231-2005) to obtain information on listed or proposed species occurring in Idaho, Washington, and Oregon.

Listed species occurring in California, in addition to those identified in your letter, include the following: (1) endangered Sacramento River winter-run chinook salmon (55 FR 46515 and 59 FR 440), (2) threatened Central California Coast coho salmon (61 FR 56138), and (3) threatened Southern Oregon/Northern California Coast coho salmon (62 FR 34588). Critical habitat has been designated for the Sacramento River winter-run chinook salmon (58 FR 33212). Critical habitat has not been proposed or designated for either of the two species of listed coho salmon. Proposed species occurring in California include several populations of steelhead (61 FR 41541): (1) Southern California Coastal steelhead, (2) South-Central California Coastal steelhead, (3) Central California Coastal steelhead, (4) Northern California

Coastal steelhead, (5) Klamath Mountains Province steelhead, and (6) Central Valley steelhead. Critical habitat has not been proposed for any of these species of steelhead as yet. NMFS expects to publish a final listing decision regarding the proposal to list these steelhead populations by August 8, 1997.

If you have any questions regarding listed or proposed species managed by the Southwest Region of NMFS, please contact Mr. Craig Wingert at (310) 980-4021.

Sincerely,


William T. Hogarth, Ph.D.
Acting Regional Administrator





AES/ESO

Memorandum

To: State Director
Bureau of Land Management

From: ~~Adams~~ Regional Director *Philip Thomson*
Region 7

Subject: Request for List of Threatened and Endangered Species Potentially Affected by Proposed Oil and Gas Lease Sale in the National Petroleum Reserve-Alaska (NPR-A)

This responds to your May 6, 1997, request for a list of proposed and listed threatened and endangered species, which may be affected by activities, including oil and gas leasing, in the northeast portion of NPR-A (Planning Area). This information is for your use in preparation of the Integrated Activity Plan/Environmental Impact Statement, now in progress, which will address the full range of the Bureau of Land Management's responsibilities for the Planning Area.

As indicated in your memorandum, there are no designated or proposed critical habitats for any listed or proposed species potentially affected by activities in the Planning Area. The following listed species occur in the Planning Area.

Common Name	Scientific Name	Status
Spectacled eider	<i>Somateria fischeri</i>	threatened
Steller's eider	<i>Polysticta stelleri</i>	threatened (Alaska breeding pop.)

Please note that threatened status for the Steller's eider will become effective on July 11, 1997.

Analysis of the potential effects of oil and gas leasing on species that occur along the expected oil transport corridor is required. The Short-tailed albatross (*Diomedea albatrus*) is listed as a "foreign" endangered species under the Endangered Species Act of 1973, as amended; it is therefore considered listed anywhere outside the 3-mile territorial limit of the United States. Whereas waters beyond 3 miles are regulated for United States fisheries and off-shore mining to the 200-mile limit, the requirements for section 7 consultation apply to activities that occur between 3 and 200 miles from U.S. shores relative to "domestic" or "foreign" species. Therefore, section 7 consultation is required for tankering activities, which may adversely affect short-tailed albatrosses in the event of an oil spill or other marine accident.

We are also providing a provisional list of endangered, threatened, and candidate species occurring in coastal areas of California, Oregon, and Washington (attached). This list was provided to us by the Service's Regional Director, Region 1, on June 17, 1997, for use in the evaluation of Outer Continental Shelf Lease 170. Given the recent date, it is unlikely that there will be any changes to this list, but we are in the process of obtaining Region 1's concurrence for use of this list as the basis for your biological assessment. Your memorandum stated your intention to evaluate potential effects of oil transport by reference to biological evaluations prepared for Outer Continental Shelf Oil and Gas Lease Sales 149, 158, and the Final Environmental Impact Statement for Sale 144. This decision was made on the basis that the oil transport scenario for NPR-A would be similar to those analyzed for the previous lease sales. We have no objection to this approach, in general, except to note that additional analyses will be necessary for species proposed or listed since those documents were prepared.

We understand that your staff, and that of Minerals Management Service, are operating under a demanding schedule, and we will attempt to expedite transfer of any additional information. Please contact Philip Martin at (907) 456-0325 if you have any questions concerning this response. We look forward to continuing cooperation through all phases of the consultation process.

Attachment

ATTACHMENT

ENDANGERED, THREATENED, AND CANDIDATE SPECIES AND SPECIES OF CONCERN FOR COASTAL AREAS OF CALIFORNIA, OREGON, AND WASHINGTON

LISTED

MAMMALS

Pacific pocket mouse	<i>Perognathus longimembris pacificus</i> (E)
Point Arena mountain beaver	<i>Aplodontia rufa nigra</i> (E)
Salt marsh harvest mouse	<i>Reithrodontomys raviventris</i> (E)
Southern sea otter	<i>Enhydra lutris nerets</i> (T)

BIRDS

Aleutian Canada goose	<i>Branta canadensis leucopareia</i> (T)
American peregrine falcon	<i>Falco peregrinus anatum</i> (E)
Bald eagle (Washington, Oregon)	<i>Haliaeetus leucocephalus</i> (T)
Bald eagle (California)	<i>Haliaeetus leucocephalus</i> (E)
Brown pelican	<i>Pelecanus occidentalis</i> (E)
California clapper rail	<i>Rallus longirostris obsoletus</i> (E)
California least tern	<i>Sterna anillarum browni</i> (E)
Coastal California gnatcatcher	<i>Poliopitila californica californica</i> (T)
Least Bell's vireo	<i>Vireo bellii pusillus</i> (E, CH)
Light-footed clapper rail	<i>Rallus longirostris levipes</i> (E)
Marbled murrelet	<i>Brachyramphus marmoratus</i> (T, PCH)
Northern spotted owl	<i>Strix occidentalis caurina</i> (T, CH)
Southwestern willow flycatcher	<i>Empidonax traillii eximius</i> (E, PCH)
Western snowy plover	<i>Charadrius alexandrinus nivosus</i> (T, PCH)

AMPHIBIANS AND REPTILES

Arroyo toad	<i>Bufo microscaphus californicus</i> (E)
California red-legged frog	<i>Rana aurora draytonii</i> (T)
Green sea turtle	<i>Chelonia mydas</i> (E)

Leatherback sea turtle	<i>Dermochelys coriacea</i> (E, CH)
Loggerhead sea turtle	<i>Caretta caretta</i> (T)
Olive (=Pacific) Ridley sea turtle	<i>Lepidochelys olivacea</i> (E)
San Francisco garter snake	<i>Thamnophis sirtalis tetrataenia</i> (E)

FISHES

Delta smelt	<i>Hypomesus transpacificus</i> (T) (CH)
Tidewater goby	<i>Eucyclogobius newberryi</i> (E)

PLANTS

Antioch Dunes evening-primrose	<i>Oenothera deltoides</i> ssp. <i>howellii</i> (E)
Baker's stickseed	<i>Blennosperma bakeri</i> (E)
Beach layia	<i>Layia carnosa</i> (E)
big-leaved crownbeard	<i>Verbesina dissita</i> (T)
California sea-blite	<i>Suaeda californica</i> (E)
Coastal dune's milk vetch	<i>Astragalus tener</i> var. <i>titl</i> (E)
Contra Costa wallflower	<i>Erysimum capitatum</i> ssp. <i>angustatum</i> (E)
Del Mar manzanita	<i>Arctostaphylos glandulosa</i> ssp. <i>crassifolia</i> (E)
Encinitas coyote bush	<i>Baccharis vanessae</i> (E)
Fountain thistle	<i>Cirsium fontinale</i> var. <i>fontinale</i> (E)
Gambel's watercress	<i>Rorippa gumbellii</i> (E)
Howell's spineflower	<i>Chorizanthe howellii</i> (E)
Marin dwarf-flax	<i>Hesperolinon congestum</i> (T)
Marsh sandwort	<i>Arenaria paludicola</i> (E)
Menzies' wallflower	<i>Erysimum menziesii</i> (E)
Monterey gilia	<i>Gilia tenuiflora</i> ssp. <i>arenaria</i> (E)
Orcutt's spineflower	<i>Chorizanthe orcuttiana</i> (E)
Pt. Reyes clover lupine	<i>Lupinus ildestromii</i> var. <i>layneae</i> (E)
Presidio clarkia	<i>Clarkia franciscana</i> (E)
Presidio manzanita	<i>Arctostaphylos hookeri</i> ssp. <i>ravenii</i> (E)
Robust spineflower	<i>Chorizanthe robusta</i> (E)
Salt marsh bird's-beak	<i>Cordylanthus maritimus</i> ssp. <i>maritimus</i> (E)

San Diego button celery	<i>Eryngium arisanum</i> var. <i>parishii</i> (E)
San Mateo thornmint	<i>Acanthomintha duttonii</i> (E)
San Mateo woolly sunflower	<i>Eriophyllum laetlobum</i> (E)
Sonoma spineflower	<i>Chorizanthe valida</i> (E)
Tiburon jewelflower	<i>Streptanthus niger</i> (E)
Tiburon mariposa lily	<i>Calochortus tiburonensis</i> (T)
Tiburon paintbrush	<i>Castilleja affinis</i> ssp. <i>neglecta</i> (E)
Tidestrom's clover lupine	<i>Lupinus tidestromii</i> var. <i>tidestromii</i> (E)
Water howellia	<i>Howellia aquatilis</i> (T)
Western lily	<i>Lilium occidentale</i> (E)
White-rayed pentachaeta	<i>Pentachaeta bellidiflora</i> (E)
Yadon's wallflower	<i>Erysimum menziesii</i> ssp. <i>yadonii</i> (E)

INVERTEBRATES

California freshwater shrimp	<i>Syncaris pacifica</i> (E)
Lange's metalmark butterfly	<i>Apodemia mormo langei</i> (E)
Lotis blue butterfly	<i>Lycaelides argyrognomon lotis</i> (E)
Mission blue butterfly	<i>Icaricia icaroides missionensis</i> (E)
Myrtle's silverspot butterfly	<i>Speyeria zerene hippolyta</i> (E)
Oregon silverspot butterfly	<i>Speyeria zerene hippolyta</i> (T, CH)
Palos Verdes blue butterfly	<i>Glaucopsyche lygdamus palosverdesensis</i> (E)
Quino checkerspot butterfly	<i>Euphydryas editha quino</i> (E)
San Bruno elfin butterfly	<i>Incisalia mossii bayensis</i> (E)
San Diego fairy shrimp	<i>Branchinecta sandiegoensis</i> (E)
Smith's blue butterfly	<i>Euphilotes enoptes smithi</i> (E)
Riverside fairy shrimp	<i>Streptocephalus woottoni</i> (E)

PROPOSED AND CANDIDATE (Formerly Category 1 Candidate Species)**FISH**

Sacramento splittail	<i>Pogonichthys macrolepidonus</i> (PT)
Bull trout	<i>Salvelinus confluentus</i> (C)

AMPHIBIANS

California tiger salamander	<i>Ambystoma californiense</i> (C)
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REPTILES

Alameda whipsnake	<i>Masticophis lateralis euryxanthus</i> (PE)
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INVERTEBRATES

Behren's silverspot butterfly	<i>Speyeria zerene behrensii</i> (PE)
Callippe silverspot butterfly	<i>Speyeria callippe callippe</i> (PE)

PLANTS

Baker's larkspur	<i>Delphinium bakeri</i> (C)
Contra Costa goldfields	<i>Lasienia confugens</i> (PT)
Hickman's cinquefoil	<i>Potentilla hickmanii</i> (PE)
La graciosa thistle	<i>Cirsium loncholepis</i> (C)
Laguna Beach liveforever	<i>Dudleya stolonifera</i> (PE)
Pallid manzanita	<i>Arctostaphylos pallida</i> (PT)
Santa Cruz tarweed	<i>Holocarpha macradenia</i> (C)
San Bruno Mountain manzanita	<i>Arctostaphylos imbricata</i> (PT)
San Francisco lessingia	<i>Lessingia germanorum</i> (PE)
Showy Indian clover	<i>Trifolium amoenum</i> (PE)
Soft-leaved indian paintbrush	<i>Castilleja mollis</i> (PE)
Soft bird's-beak	<i>Cordylanthus mollis</i> ssp. <i>mollis</i> (PE)
Sonoma alopecurus	<i>Alopecurus aequalis</i> var. <i>somomensis</i> (PE)
Spreading navaretia	<i>Navaretia fossalis</i> (PT)
Thread-leaved brodiaea	<i>Brodiaea filifolia</i> (PT)
Yellow larkspur	<i>Delphinium luteum</i>

T=threatened; E=endangered; PE=proposed endangered; PT=proposed threatened;
PCH=proposed critical habitat; CH=designated critical habitat



United States Department of the Interior

FISH AND WILDLIFE SERVICE
1011 E. Tudor Rd.
Anchorage, Alaska 99503-6199

Excerpts

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AES/ESO/NAES

MAR 17 1998

Memorandum

To: State Director, Alaska
Bureau of Land Management

From: Acting Regional Director
Region 7 *Robyn Thomson*

Subject: Endangered Species Act Section 7 Consultation for the Integrated Activity Plan
for the Northeast Portion of the National Petroleum Reserve - Alaska

This responds to your December 9, 1997, request for formal section 7 consultation pursuant to the Endangered Species Act of 1973, as amended, for the Integrated Activity Plan for the northeast portion of the National Petroleum Reserve - Alaska. The plan addresses the full range of the Bureau of Land Management's management responsibilities in the planning area, including all ground-impacting management actions such as oil and gas leasing, wildlife protection, subsistence, and recreation. A chronology of the consultation actions up to the present regarding the IAP is provided in Attachment 1.

The U. S. Fish and Wildlife Service reviewed the BLM's Biological Evaluation for Threatened and Endangered Species with respect to the IAP for the planning area, and other relevant information to evaluate the effects of the activities associated with the proposed IAP. Those activities evaluated include ground-impacting management actions such as aircraft use, hazardous- and solid-material removal and remediation, overland moves, seismic activities, and oil and gas exploration and development/production activities. Effects that are interrelated and interdependent to the activities proposed in the IAP (particularly to oil and gas exploration and development) were also evaluated and include an analysis of the potential effects of transporting oil on listed and proposed species and critical habitat along the shipping route for oil products from the planning area.

The format for the following biological opinion includes, first, analyses for the listed species that occur solely within Alaska, the threatened spectacled eider (*Somateria fischeri*), the threatened Alaska breeding population of Steller's eider (*Polysticta stelleri*), and the endangered short-tailed albatross (*Phoebastria albatrus*); and finally, species that occur within the shipping route in Alaska, Washington, Oregon, and California. Fifteen listed species and one designated critical habitat are the subject of this latter portion of the biological opinion. One proposed species and one proposed critical habitat comprise the conference report.

Reasonable and Prudent Measures for Spectacled and Steller's Eiders

In the following sections, the Service provides reasonable and prudent measures and terms and conditions that would serve to minimize the effects of *incidental* take on spectacled and Steller's eiders. The actions anticipated to cause adverse effects to the species could occur via four identified avenues: 1) oil and gas facilities (roads, runways, etc.) providing access for hunters that could kill spectacled or Steller's eiders or use lead shot in wetlands that could later be ingested by foraging eiders; 2) permanent impacts to habitat such as the filling of wetlands used for nesting or other behaviors; 3) temporary or permanent changes in the distribution and/or numbers of predators by refuse or other food sources being made available; and 4) temporary impacts to nest success and productivity by disturbance from activities near nests or brood rearing sites. The reasonable and prudent measures and terms and conditions included in this biological opinion, therefore, are designed to prevent take of spectacled and Steller's eiders through these avenues.

The Service believes that the following reasonable and prudent measures are necessary and appropriate to minimize impacts of incidental take of spectacled and Steller's eiders:

- (1) Measures will be enacted to ensure that facilities and personnel associated with oil and gas development within the planning area do not result in take of spectacled or Steller's eiders by increasing access to the area by sport and subsistence hunters. These measures will address accidental or intentional take by shooting and indirect take that would result from sport and subsistence hunters using lead shot in wetland areas where spent shot could later be ingested by foraging eiders. This objective could be accomplished either by: a) strictly enforcing all existing regulations that prohibit sport and subsistence hunting of spectacled and Steller's eiders and enforcing prohibitions on the use of lead shot by waterfowl hunters in all areas accessed via oil and gas facilities; or b) preventing sport and subsistence hunters from using roads, runways, and other facilities for access.
- (2) Measures will be enacted to prevent temporary or permanent changes in the distribution or numbers of predators by ensuring that food or refuse is not made available to avian or mammalian predators.
- (3) Temporary impacts to spectacled and Steller's eider productivity due to disturbance and direct habitat impacts can be minimized by ensuring protection of females with nests. In areas where construction is planned, Service-approved nest surveys must be conducted during mid-June of each year in which construction activities are planned between May 30 and August 31. The protocol and timing of nesting surveys for spectacled and Steller's eiders will be determined in cooperation with the Service, and must be approved by the Service. Surveys should be conducted by biologists who have previous experience with spectacled and/or Steller's eider nest surveys.

Terms and Conditions for Spectacled and Steller's Eiders

In order to be exempt from the prohibitions of section 9 of the Act, the BLM must comply with the following terms and conditions, which implement the reasonable and prudent measures described above and outline required reporting/monitoring requirements. These terms and conditions are non-discretionary.

To prevent accidental or intentional shooting of spectacled or Steller's eiders and prevent the deposition of lead shot in wetlands, the BLM shall adopt one of the two following options:

- (1a) The BLM shall enforce existing regulations that prohibit sport and subsistence hunting of spectacled and Steller's eiders and the use of lead shot for waterfowl hunting by persons accessing the area using oil and gas facilities such as roads and runways.

OR

- (1b) The BLM will prevent the use of oil and gas facilities such as roads and runways to provide access for sport and subsistence hunting.
- (2) In the event that option 1a is adopted, the BLM will provide the Service with an annual report detailing: a) the number, activity type, and location of all activities using oil and gas facilities such as roads and runways as access; and b) the educational and enforcement actions taken to ensure compliance with existing regulations. In the event that option 1b is adopted, the BLM will provide the Service with an annual report detailing how hunters are prevented from using oil and gas facilities for access, and this report will be updated whenever there is a change in the implementation of enforcement of restrictions.

To minimize temporary or permanent changes in the distribution, numbers, or survival of predators:

- (3) The BLM shall prevent oil and gas facilities and personnel from providing wildlife with access to food or refuse. Annually, the BLM will provide the Service with a report detailing the educational, regulatory, and enforcement actions taken to ensure that predators or scavengers are not given access to human food or refuse.
- (4) The BLM shall require permittees to use current technology to prevent facilities from providing nesting, denning, or shelter sites for ravens, raptors, and foxes. The annual report required in number (3) above shall also contain information on the use by ravens, raptors, and foxes of oil and gas facilities as nesting, denning, or shelter sites.

To reduce temporary impacts to productivity resulting from disturbance:

- (5) Within 200 meters of occupied spectacled or Steller's eider nests, from May 20 through August 1, ground level activity (by vehicle or on foot) will be restricted to existing thoroughfares and construction of permanent facilities, placement of fill, alteration of habitat, and introduction of high noise levels is prohibited.

The reasonable and prudent measures, with their implementing terms and conditions, are designed to minimize the impacts of incidental take that might otherwise result from the proposed action. The reporting requirements contained in Terms and Conditions # 2 and 3 above are intended to provide the Service with the information needed to evaluate the efficacy of these reasonable and prudent measures and terms and conditions. With implementation of these measures the Service believes that no more than 25 spectacled eiders plus 12 spectacled eider nests, and 1 Steller's eider plus 1 Steller's eider nest will be incidentally taken. If, during the course of the action, this level of incidental take is exceeded, such incidental take represents new information requiring review of the reasonable and prudent measures provided. The Federal agency must immediately

provide an explanation of the causes of the taking and review with the Service the need for possible modification of the reasonable and prudent measures.

Reasonable and Prudent Measures for Pacific Coast Species

The Service believes the following reasonable and prudent measure is necessary and appropriate to minimize the impact of take of the salt marsh harvest mouse, southern sea otter, bald eagle, peregrine falcon, Aleutian Canada goose, marbled murrelet, brown pelican, western snowy plover, California clapper rail, light-footed clapper rail, California least tern, tidewater goby, delta smelt, and Sacramento splittail:

1. Minimize the frequency and magnitude of oil spills from tankers carrying NPR-A oil.

Terms and Conditions for Pacific Coast Species

In order to be exempt from the prohibitions of section 9 of the Act, the BLM must comply with the following term and condition, which implements the reasonable and prudent measure described above. This term and condition is non-discretionary.

1. NPR-A oil can only be transported in double-hulled tankers that meet USCG licensing and pilot certification requirements, have adequate oil spill response equipment on-board, and comply with all other requirements of OPA 90 that fall under the jurisdiction and authority of BLM.

With regard to the proposed Sacramento splittail, the incidental take statement provided in this conference opinion does not become effective until the species is listed and the conference opinion is adopted as the biological opinion issued through formal consultation. At that time, the project will be reviewed to determine whether any take of the Sacramento splittail has occurred. Modifications of the opinion and incidental take statement may be appropriate to reflect that take. No take of the Sacramento splittail may occur between the listing of the species and the adoption of the conference opinion as the biological opinion.

Coordination of Incidental Take Statements with Other Laws, Regulations, and Policies

The U.S. Fish and Wildlife Service will not refer the incidental take of any migratory bird for prosecution under the Migratory Bird Treaty Act of 1918, as amended (16 U.S.C. §§ 703-712), if such take is in compliance with the terms and conditions (including amount and/or number) specified herein.

REINITIATION - CLOSING STATEMENT

This concludes formal consultation on the actions outlined in the request. As provided in 50 CFR §402.16, reinitiation of formal consultation is required where discretionary Federal agency involvement or control over the action has been retained (or is authorized by law) and if: (1) the



PRMD JUNEAU, AK

PRMD W. ALASKA

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UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
National Marine Fisheries Service
P.O. Box 21688
Juneau, Alaska 99802-1688

June 23, 1998

Sally Wisley
Associate State Director
Bureau of Land Management
Alaska State Office
222 West 7th Avenue, #43
Anchorage, Alaska 99513-7599

Dear Ms. Wisley:

Thank you for your letter concerning the Integrated Activity Plan/Environmental Impact Statement (AP/EIS) for management actions within the National Petroleum Reserve-Alaska (NPRA). A Biological Evaluation (BE) has been prepared by the Bureau of Land Management to consider effects of these actions on threatened or endangered species under Section 7 of the Endangered Species Act; this letter responds to that document. The National Marine Fisheries Service (NMFS) will provide separate comments on the AP/EIS.

The BE considers the effects of leasing and exploration activities. Future development and production phases within NPRA will require re-initiation of Section 7 consultation procedures. Nonetheless, the BE presents discussion and preliminary analysis of these possible future actions so as to allow a reasonable assessment of the entire action's impact to threatened and endangered species. Presently, development and production scenarios are too speculative to support consideration of all phases, and we concur with the determination to approach consultation through this incremental step process. Because all development associated with these management actions would occur on land, and because development and production phases will require separate consultation, this analysis has addressed the endangered bowhead whale as the only listed species which may be affected and for which NMFS bears Federal responsibility. The BE concludes the bowhead whale would not be adversely affected by the proposed management actions. We concur with this assessment.



PRMD JUNEAU, AK

PRMD W. ALASKA

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The BE provides stipulations to reduce or eliminate potential effects on fish and wildlife, including threatened or endangered species. We recommend revision of the proposed stipulations to include measures to reduce possible effects on bowhead whales due to shipping activities associated with NPRA. These should include recommendations to avoid or minimize shipping during whale migrations from September to mid-October, operate vessels inside migratory routes when possible, and coordinate large scale marine supply actions (such as sea-lift barge traffic) with the Alaska Eskimo Whaling Commission and North Slope Borough to avoid interference with subsistence hunts.

We appreciate this opportunity to comment. Please refer questions to Mr. Brad Smith at (907) 271-5006.

Sincerely,

Steven Pennoyer
Administrator, Alaska Region

cc: Thomas Napageak, Alaska Eskimo Whaling Commission, Barrow.
Dr. Tom Albert, North Slope Borough Wildlife Department,
Barrow.
Frank Wendling, Minerals Management Service, Anchorage.

